

Reference Number: 400-10-DD

Title of Document: Prohibition of Sexual Harassment

Date of Issue: May 28, 1987

Effective Date: May 28, 1987

Last Review Date: March 20, 2006 **NO REVISIONS**

Date of Last Revision: October 31, 1994

Applicability: All DDSN State Employees

The language in this policy does not create an employment contract between the employee and the department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in whole or in part.

PURPOSE

This directive establishes departmental policy on Sexual Harassment and provides information that should promote a better understanding of what Sexual Harassment is and how it should be reported.

POLICY

It is the policy of the South Carolina Department of Disabilities and Special Needs to provide a working environment for its employees that is free from acts of sexual harassment. Employees shall conduct themselves in a manner which ensures that the dignity and self respect of fellow employees are protected to the fullest extent. Sexual harassment in any form will not be tolerated. Employees accused of sexual harassment will be subject to suspension without pay pending investigation. If it is established that sexual harassment occurred, as defined by departmental policy, the employee will be subject to disciplinary action as outlined in this directive. If sexual harassment is not substantiated, the employee will be reinstated without prejudice.

SEXUAL HARASSMENT DEFINED

Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors and other deliberate or repeated unsolicited verbal or physical conduct of a sexual nature which is unwelcome constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

REPORTS

All incidents of alleged sexual harassment as defined above will be reported in writing to the District human resource management (HRM) director immediately. The HRM director and an individual of the opposite sex from the HRM director, appointed by the District /Facility Administrator, will confidentially investigate the complaint. A written report of the investigation outlining the facts and circumstances surrounding the incident will be provided to the District Director/Facility Administrator for necessary action. No reprisals or prejudicial actions will be taken against any employee as a result of that employee reporting a complaint of sexual harassment. However, this provision is not intended to protect any employee who knowingly makes false accusations or false statements during an official investigation.

DISCIPLINARY ACTION

In those cases where it is determined that sexual harassment did in fact occur, the following disciplinary measures will be taken:

First Offense:	Five (5) days suspension to dismissal
Second Offense:	Dismissal

RESPONSIBILITIES

The best tool for elimination of sexual harassment is prevention. District Director/Facility Administrators are encouraged to take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, informing employees of their right to raise and how to raise the issue of sexual harassment and developing methods to sensitize all employees. It is the responsibility of each District Director/Facility Administrator to ensure that basic information regarding sexual harassment is included in the orientation and in-service training of all personnel.

Wayne D. Blanton
Director,
Human Resources and Legal Services
(Originator)

Stanley J. Butkus, Ph.D.
State Director

(Approved)